## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NORTHEASTERN DIVISION

TIMOTHY W. TINDLE,	)
Plaintiff,	)
v.	) Case No. 2:05cv0047
MICHAEL J. ASTRUE, <sup>1</sup> COMMISSIONER OF SOCIAL SECURITY	) ) Judge Thomas A. Wiseman, Jr. )
Defendant.	<b>,</b>

## **ORDER**

Before the Court is Plaintiff Timothy W. Tindle's Motion for Judgment on the Administrative Record (Doc. No. 13), seeking judicial review of the Commissioner's denial of his claim for Supplemental Security Income ("SSI") payments based on disability. The Commissioner of Social Security ("Commissioner" or "Defendant") has filed a response opposing Plaintiff's motion (Doc. No. 15).

For the reasons explained in the accompanying Memorandum Opinion, upon review of the Administrative Record as a whole (Doc. No. 11), the Court finds that the ALJ's decision denying benefits is **not** supported by substantial evidence. The ALJ erred in finding that Plaintiff did not meet Listing 12.05C, and further erred in failing to address the issue of whether Plaintiff's initial application should have been re-opened. Accordingly, Plaintiff's Motion for Judgment on the Administrative Record (Doc. No. 13) is hereby **GRANTED** and judgment is entered in favor of the Plaintiff. The matter is **REMANDED** for further proceedings consistent with this Order and the accompanying Memorandum Opinion.

It is so **ORDERED**.

Thomas A. Wiseman, Jr. Senior U.S. District Judge

<sup>&</sup>lt;sup>1</sup>Michael J. Astrue replaced Jo Anne B. Barnhart as the Commissioner of the Social Security Administration on February 12, 2007. Pursuant to the Federal Rules of Civil Procedure, Commissioner Astrue automatically replaces Ms. Barnhart as the defendant in this case. Fed. R. Civ. P. 25(d)(1).